

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

---

Einar J. Otterness,

Case No. 17-cv-4767 (WMW/TNL)

Plaintiff,

v.

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

Andersen Windows Corporation; The  
Hartford, Old Republic Insurance  
Company, *administered by Gallagher  
Bassett Services, Inc.*; and Menk & Menk  
Law Firm,

Defendants.

---

This matter is before the Court on the June 6, 2018 Report and Recommendation of United States Magistrate Judge Tony N. Leung. (Dkt. 44.) No objections to the Report and Recommendation have been filed. In the absence of timely objections, this Court reviews a Report and Recommendation for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Having reviewed the Report and Recommendation, the Court finds no clear error.

Based on the Report and Recommendation and all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. The June 6, 2018 Report and Recommendation, (Dkt. 44), is **ADOPTED**;
2. Defendant Menk & Menk Law Firm's motion to dismiss, (Dkt. 11), is **GRANTED**, and Defendant Menk & Menk Law Firm is **DISMISSED WITHOUT PREJUDICE**;

3. Defendant The Hartford is **DISMISSED WITHOUT PREJUDICE** based on Plaintiff Einar J. Otterness's failure to prosecute; and

4. Defendant Old Republic Insurance Company is **DISMISSED WITHOUT PREJUDICE** based on Plaintiff Einar J. Otterness's failure to prosecute.

Dated: August 2, 2018

s/Wilhelmina M. Wright

Wilhelmina M. Wright

United States District Judge